THE NEWSPAPER OF LARGEST CIRCULATION IN THE UPPER EVERGLADES

THE EVERGLADES NEWS

DEVOTED TO NEWS AND AFFAIRS OF THE FLORIDA EVERGLADES

WATER LEVELS
August 1, 1929, 8 a. m.
Lake Okeechobee, 13.4 feet.
W. P. B. Canal, same.

VOL. 6—NO. 22. CANAL POINT, PALM BEACH COUNTY, FLORIDA FRIDAY, AUGUST 2, 1929 $2.50 A YEAR

13,500 ACRES PLOWED FOR SUGAR CANE PLANTING

WITH 11,000 ACRES GROWING IS TO PROVIDE 25,000 ACRES FOR GRINDING IN TWO MILLS

7,500 Acres of Thriving Cane, Belle Glade, South Bay and Clewiston, and 3,500 Acres at Canal Point; Weather of Week Advances Growth

The Southern Sugar Co., operating in two divisions, one division having headquarters at Canal Point and the other at Clewiston, has 11,000 acres of growing cane—7,500 acres from Belle Glade to Clewiston, including the South Bay district, and 3,500 acres at Canal Point.

Thirteen thousand five hundred acres of land is plowed and ready for fall planting to execute a program of having 25,000 acres of cane for the two mills, one at Canal Point and one at Clewiston.

The location of fields of growing sugar cane at Canal Point is shown in the accompanying map, the cane plantings being indicated by the shaded portions of the map.

The map also shows the route of the sugar company's railroad track from the main line of the Florida East Coast to the sugar mill in section 2 and the route of the extension from section 3 southward between sections 10 and 11 and sections 14 and 15 to the northeast corner of section 22, three miles east of Pahokee where a field camp is to be established.

Forty-eight hundred acres of the 13,500 acres that is plowed and ready for fall planting is south of the fields of growing cane at Canal Point.

What is regarded by F. E. Bryant, a vice president of the company, as the best sugar cane ever grown in Florida is on sections 3 and 4 at Canal Point.

Weather in the past week has been good for cane. The weather has been hot and the ground has ample moisture to give good growth. Cessation of rains will allow the drying and burning of piles of custard apple trees on 700 acres of ground that has just been cleared.

The site of the new and larger sugar mill in section 3 between the branches of the railroad is shown by an x on the map.

C. Greenwood, formerly with the Cuba Cane Corporation, the largest sugar plantation in the world, has entered upon his duties as superintendent of cultivation in the Canal Point division.

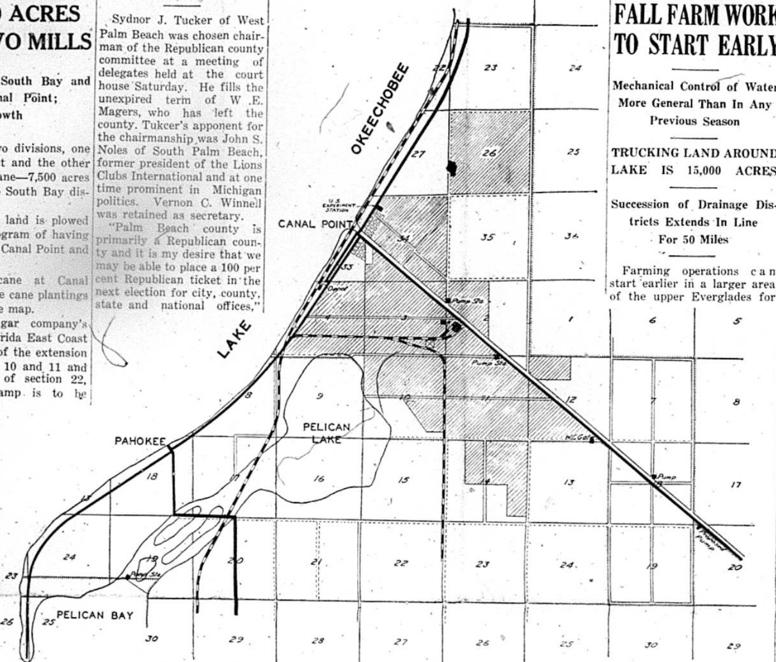
Following the practice in the Celotex Co., the system of group insurance of all employes has been adopted in the Southern Sugar Co. and probably is the first instance in history of the insuring of the lives of a large group of agricultural workers. The insurance has been placed with the Aetna company.

The life of every employe, white and colored has been insured in amounts ranging from $500 to $1,000. Lives of employes who have been with the company six months are automatically insured from the outset; when an employe, white or colored, has been with the company six months the insurance is effective and the initial amount is increased six months hence. This is in addition to the liability insurance.

Construction of a "guest house" for the Southern Sugar Company is under way on a lot on the lake front north of the water works and adjacent to the U. S. Department of Agriculture's cane testing station. The contract is being executed by G. B. Heard of Clewiston. Officials of the company visiting the Canal Point division will have quarters in the guest house during their stay.

Running Water For Workers' Quarters

SOUTH BAY, July 29.—The Southern Sugar Co. has just finished installing a pumping plant which will furnish flowing water to all company barracks at the South Bay station.



TUCKER LEADER OF REPUBLICANS

Sydnor J. Tucker of West Palm Beach was chosen chairman of the Republican county committee at a meeting of delegates held at the court house Saturday. He fills the unexpired term of W .E. Magers, who has left the county. Tukcer's apponent for the chairmanship was John S. Noles of South Palm Beach, former president of the Lions Clubs International and at one time prominent in Michigan politics. Vernon C. Winnell was retained as secretary.

"Palm Beach county is primarily a Republican county and it is my desire that we may be able to place a 100 per cent Republican ticket in the next election for city, county, state and national offices."

PUMPING ALLOWS FALL FARM WORK TO START EARLY

Mechanical Control of Water More General Than In Any Previous Season

TRUCKING LAND AROUND LAKE IS 15,000 ACRES

Succession of Drainage Districts Extends In Line For 50 Miles

Farming operations can start earlier in a larger area of the upper Everglades for the 1929-30 season than was possible in any pervious season, this because of the number and location of pumping plants for the disposal of excess water. And because fall farm work can start earlier it probably will.

It may be difficult for persons who do not know the geography of the Lake Okeechobee region well to comprehend the influence of pumping plants and other forms of water control, and The Everglades News intends to have a map of the region prepared and will print it to show the location and area of sub drainage districts in which pumping plants have been installed. Lacking a map to make the showing, a quick summary of the situation in areas of the upper Everglades will be undertaken in this article.

On the eastern shore of Lake Okeechobee, on the south side of St. Lucie canal, eight miles north of Canal Point, is the Port Mayaca development of the Phipps company, where 800 acres has been divided into 40 tracts of 20 acres each, each tract surrounded by ditches and each provided with pumping facilities to put moisture in the soil or take surplus water off. Five hundred of the 800 acres has been set to groves, mostly citrus, and all of the 800 acres will be available for vegetables, the vegetables to be grown between the rows of trees.

At Canal Point is Pelican Lake drainage district, in which the location of ditches, canals and pumping plants is shown on the map printed herewith. The north boundary of the district extends three miles north of Canal Point, that is, to within four miles of the south boundary

Continued on Page Three

Bigger Coin Boxes on Glades Phones

The Southern Bell Telephone Co. expects htere will be lots of money in the upper Everglades this fall and has replaced all the telephone in this section with coin boxes of larger capacity because the boxes in the other instruments wouldn't hold enough money.

It's a fact—no kidding.

All of the telephone instruments on the line in the Glades have coin boxes, where you get your number and then deposit coins in a slot as the operator directs, before you talk with your party.

Business was so good last season that the coin boxes often filled to capacity and men had to be sent out from West Palm Beach ahead of schedule to empty the boxes and take the money.

WILL NEW BRIDGE NARROW CANAL?

Farmers Want To Know If Plans Were Approved By Drainage Engineer

The State Road Depart- has let a contract for a bridge over West Palm Beach canal at Olive street, on state road No. 4. The canal is one of the canals of Everglades drainage district.

Were the plans for the bridge, submitted to the chief engineer of Everglades drainage district and did he approve them,

Will the placing of a bridge at that point impede the discharge of water from the canal or will it interfere with the project for the enlargement of the spillway at Dixie highway?

These questions have been asked of The Everglades News, and as this newspaper cannot answer them the questions have been relayed to F. C. Elliot of Tallahassee, chief engineer of the drainage district, and his reply will be printed when received.

ASK BETTERMENT OF MAIL SERVICE IN LAKE REGION

Foresighted View of Needs In Busy Season Now Close At Hand.

EXTENSION OF ROUTES AND NEW ONE PROPOSED

Earlier Connections Wanted With Mail Trains on the East Coast

Extension of the star route mail service to Clewiston has been recommended by R. Y. Patterson, acting postmaster at that place, in reply to a request made on postmasters around Lake Okeechobee for suggestions as to means of improving the admittedly bad service that now exists between this region and the county seat and the east coast in general.

The present star route is from West Palm Beach to Belle Glade, South Bay, Pahokee and Canal Point. Mr. Patterson's recommendation is that the route be extended to Clewiston.

He also recommends that another star route be established; to leave Clewiston at 8 o'clock each morning and pass through Ritta, South Bay, Belle Glade, Pahokee and Canal Point and reach West Palm Beach in time to catch the 1:30 p. m. north bound train.

WYSE GLAD TO BE BACK IN GLADES

To Be Principal At South Bay, Where He Owns Valuable Real Estate

Professor J. H. Wyse, who taught schools in the upper Everglades several years ago and who was in the vegetable deal a season or more, is to be principal of South Bay's school. He arrived in South Bay Monday to await the opening of the school in September.

Mr. Wyse was principal of the Longwood, Fla., school last term and at the close of the school he revisited the Everglades and then made a trip through South Carolina, North Carolina and into Virginia; his home is at Staunton, Va., and from there he went to Birmingham, Ala., and visited relatives. Knowing the summer weather to be good in the Lake Okeechobee region he returned here to escape the heat elsewhere.

Mr. Wyse likes the Everglades. Soon after he came into this country the first time he bought a lot in South Bay; then he bought another lot, and he also owns a farm in the locality.

"As soon as this lake is leveed to protect us from overflows I'm ready to go out and canvass my relatives and friends all over the country and get them to put money in here," he says, which represents the view of hundreds of other persons. Years ago when the editor of The Everglades News was editor of the South Florida Developer Mr. Wyse wrote an article about Mrs. O. V. Elliott's citrus grove at South Bay. This week he remarked again on the opportunities that will exist for this country when the danger of overflow is overcome.

Luncheon Club Meets To Select Officers

The Pahokee Luncheon Club will meet at noon today in the room over Jordan's drug store.

Messrs. Lapp, Schröder and Shirley, a committee appointed last week on officers and program, will make their report. Unless an opposition ticket develops, Geo. C. McLarty probably will be elected permanent president.

Herman Gold was named by Temporary President B. Elliott as the committeeman, with W. G. Smith, to co-operate with the Pahokee town council in the clean-up campaign.

KOLSTAD TO RUN COMMISSARIES

Henry Kolstad, manager of Southern Sugar Co. commissaries, has been transferred from Canal Point to Clewiston. He and his wife will move to the latter place.

The company will have six commissaries on the southwest side of the lake and two in the Canal Point division. There is also a large warehouse at Clewiston that will be in Mr. Kolstad's charge.

Mr. Kolstad, an accountant, has been connected with the sugar company for many years and was formerly in charge of the Canal Point office. The position of manager of commissaries was created recently in preparation for the handling of supplies for the 6,000 men who will be employed next winter.

BARGAIN STORE IN NEW HANDS

J. F. Swart Buys Stock and Leases Building From Charles Tedder

Jerome F. Swart, formerly of West Palm Beach, has become manager of the Bargain store one mile north of Canal Point by the purchase of the stock from Charles Tedder and lease of the building by his brother, H. T. Swart, a grain man of Winnipeg, Canada.

Mr. Tedder is having the building completed and improved in order that Mr. Swart have facilities for conducting an up-to-date business. A part of the improving is the stuccoing of the front. The general merchandise stock will be increased and business will be conducted on the same general lines as heretofore.

For many years Mr. Swart was connected with important enterprises in West Palm Beach; the collapse of the boom caught him as it did many others but he is resolved to stay in Palm Beach county, confident that the country will come back strong, and he is delighted to have opportunity to get located in the upper Everglades which promises to be the fastest growing part of the county.

HE DIDN'T COME

Secretary Hyde of the U. S. Department of Agriculture, seems not to have accepted the invitation to visit the Everglades fololwing his presence at a fly eradication conference at Orlando Friday. He was to have flown over the lake. Mr. Hyde was at Baton Rouge, La., Monday.

WHO FIRST BORN IN OUR GLADES?

Who is the oldest person born in the muck section of the upper Everglades and still living here?

In the interest of history and for curiosity The Everglades News would like to know.

Readers are asked to search their memories and talk with their old friends and neighbors and let us know what they remember or what they find out.

Steel on Ground For South Bay's School

SOUTH BAY, July 30.—F. H. Link, superintendent for Chalker & Lund, reports that all steel for the junior high school is now on the ground; that the lumber is coming from Sherman Mills to Belle Glade and will be trucked from there; the rock for the building is from Ojus and the sand from Lakeland. He has 20 laborers and 10 carpenters now on the job and expects to put on 20 more carpenters next week. The concrete base for the building will be complete by the end of the week.

Lightning on Radio, Girl Was Burned

There were electrical storms last week on the west side of Lake Okeechobee and in the ridge country north of the lake.

During an electrical storm at Moore Haven Friday a girl was severely burned on the hand when current came in on the radio set she was adjusting.

Rains are reported to have been heavy in the Kissimmee river valley.

MAYOR OF MIAMI VIEWS GLADES

Comes With Chamber of Commerce Head and Steamship Official

C. H. Reeder, mayor of Miami, Alex Orr, president of the Miami Chamber of Commerce, and R. I. Vervoort, general agent of the Clyde steamship line, stopped in Canal Point and Pahokee Saturday, coming with Glenn H. Curtiss, who was met here by his partner, J. H. Bright, who came down from Brighton.

As the object of the visit was to get information about conditions, they were met by Herman Gold, R. J. Schroder and Howard Sharp, a committee of the Pahokee Luncheon Club, who undertook to answer the visitors' questions. The Miami men were particularly interested in local opinion as to the proper route of a road from Lake Okeechobee to the lower east coast.

Having made the stop at Canal Point and Pahokee the Miami men went to Belle Glade and thence to Brighton by way of Moore Haven for a week-end visit.

BISHOP'S PLANE

Capt. P. G. Bishop, executive vice president of the Southern Sugar Co., and the plane he uses were pictured in the Miami News Wednesday. His Curtiss Robin is equipped with the same type Challenge motor that was used in the St. Louis endurance flight.

HIGH ENOUGH FOR BARGE TO CROSS

Lake Is Low But Elevation Allows Boat To Make Canal Point

Lake Okeechobee at elevation 13.4 feet above sea level is not too low for a barge to be towed from Clewiston to Canal Point—that was proved when Captain Bill Byrd brought in a barge load of building material yesterday. The building material is for the guest house the sugar company is erecting near the cane testing station.

In the first week of July of last year the lake was at elevation 13.2. It began to rise a year ago when the canals started flowing into it, just as this year the discharges into the lake from the canals seems to offset the tendency of the lake to lower.

Although boats can cross the lake and enter West Palm Beahc canal, boats cannot well go down the canal because there is only about 2 1-2 feet of water over the lock chamber sills. The canal is probably very low at points eastward where rock has not been removed and at other points where farm ditches have silted the canal.

GLADES WEATHER

Temperature and rainfall at Canal Point, Florida, for week ending July 28, 1929.

Date	High	Low	Rain
22	87	68	0.59
23	87	69	0.10
24	88	69	0.20
25	89	69	0.00
26	89	70	0.20
27	92	68	1.79
28	88	65	0.00
Average	88	68	2.88

Total rainfall since January 1, 1929, 33.62.

EVERGLADES NOW SUPPORTS PLUMBERS AND ELECTRICIANS AND IT MEANS SOMETHING!

Good Workmen Permanently Located Here Shows Country Has Passed Pioneer Stage and Is Striving For Refinements of Civilization

When Evergladers go to the county seat or to any point on the east coast—indeed, most anywhere they go, they are asked questions that show the existence of a deep interest in this region.

It is true that many of the inquirers want to be told that a lot of money is going to be made out here right quick—the gambling spirit that was promoted and fed by the real estate boom survives in many breasts, and the cynical and hard-boiled Everglader is made to suspect that the impatient inquirier has a scheme to take some of the money away from us as quickly as it is quickly made, but he knows too that there is a wider and less selfish interest. Just how, in a casual conversation, to answer the questions fairly and picture the country in its present condition and prospects is not easy; reply is better made in a newspaper article if the inquirer's interest is actual and genuine enough to dispose him to read the article and consider its statements carefully.

A manner of answering good-faith questions as to how the country is coming along is to say, "Well, we've got good plumbers and electricians permanently located out there."

It is of some importance but not great importance that there are grocery stores and hardware stores and seed stores and lumber yards; these businesses deal with the necessaries of life, not the refinements. A post office can be opened in a dwelling or a store; a railroad can build in to haul out gross products and bring in rough supplies—that doesn't mean much. There can be a considerable population but if the people are merely living in shelters from the weather that doesn't mean anything. A country doesn't amount to anything until there is enough business in their lines to warrant an electrical firm and a plumbing firm in having a permanent location and being fixtures in the community.

There is no significance in the presence of carpenters and contractors, nor that some housese are wired and plumbed; the buildings that are wired and plumbed are of the past tense; there is significance only when the conditions are such as to give assurance that there will be wiring and plumbing to do next year as well as next month. This is the reason that it means something when it can be said, "Well, we've got good plumbers and electricians permanently located out there."

Thomas Mead and his son George M. who compose the Pahokee Plumbing Co. are the plumbers. Someone may ask, "And who are they?" Well, they used to be in business in West Palm Beach, where the requirements as to skill and experience are high and where they made good in competition with as good workmen as there are in the country. They were not crowded out of West Palm Beach by competition; they came to Pahokee during the real estate boom with a lot of high-faluting ideas but they are practical enough to stick and deal with the realities.

Electricians have come into this country—several came and went; C. E. Stebel stuck. His work was matched against that of other good electricians and stood the test so he could go back on a job and say, "Yes, that's my job—what do you say about it?"

The Meads and Stebel are contractors but they are also journeymen; they do their jobs themselves, and thus they put themselves in position where they take full personal responsibility for the work—they do not pass the buck or make other excuse.

Decencies of life are being provided in the upper Everglades because the services of skilled labor are available for fair charges. Residents are having things done that would not be done if the services of plumbers and electricians could be had only by summoning men from West Palm Beach and paying their transportation both ways and for their time while traveling, as we used to have to do.

NOT TILL SEPT. 2

The decision of Judge Love in the gasoline tax distribution case has been appealed to the supreme court and the writ was made returnable September 2.

RULES FOR ISSUING FREE TEXT BOOKS

County superintendents of public instruction of Florida are being advised by State Superintendent W. S. Cawthon of the adoption of certain regulations by the state text book commission, governing the supplying of free text books for the various schools.

The regulations include statements required showing the total number of books on hand in the county depository and in all common schools, and the total number of additional books needed to supply the elementary grades with other requirements.

The regulations adopted by the commission follow:

"1. In making requisitions for free text books the county superintendent shall be required to fill out the two columns of the blank furnished by the state superintendent entitled respectively: 'Total number usable books on hand in the county depository and in all common schools;' 'Total number additional books needed to supply elementary grades.'

"2. In estimating the enrollment in any grade for any year the state superintendent shall take for such enrollment a number not exceeding the number enrolled in the next grade below during the preceding year.

"3. The state superintendent shall not approve and send in to the depository any requisition for the replacement of a book shipped to any county for use for the first time during the preceding year unless remittance for the contract retail price of said book will have been made to the state treasurer."

Poultryman To Make Voyage To Holland

SOUTH BAY, July 30.—G. J. Blydenstein, poultryman of West Palm Beach, made a business trip to South Bay last week to get affairs in order so that he might start on his vacation to his home in Meern, Holland.

PAINTING BOLLES HOTEL

The work that is being done on Bolles hotel at Miami canal lock is merely painting for maintenance, R. Y. Patterson of the sugar company said in reply to a question about it. F. E. Bryant, vice president of the sugar company, says a proposal that the building be used as barracks for colored laborers was considered but not adopted, and likewise the company has declined to lease the hotel to persons who wanted to run a road house.

Decision In Full In Famous Interbay Drainage Case

In the Supreme Court of Florida, January Term, A. D. 1929—En Banc.

J. M. Burnett, as tax collector, W. B. Gray, T. C. Hammond and James G. Yeats, Eldredge & Co., W. L. Slayton & Co., W. R. Compton & Co., Appellants,

versus

C. W. Greene & Robert A. Meier, Appellees.

Hillsborough County.

ELLIS, J.

This is an appeal from an injunctional order entered November 19, 1928, temporarily restraining J. M. Burnett, tax collector of Hillsborough County, from collecting or attempting to collect the 1928 annual drainage taxes levied against the lands of complainants and other property owners in Interbay Drainage District, also known as Southwest Tampa Storm Sewer Drainage District, appearing in "Drainage Tax Book, Interbay Drainage Tax Book, Interbay Drainage District, Hillsborough County, Florida for the year 1928," or "Drainage Tax Book, Southwest Tampa Storm Sewer Drainage (Tax Book, Southwest Tampa Storm Sewer Drainage) District, Hillsborough County, Florida, for the year 1928."

There are three general assignments of error two of which attack the order directly and the third is directed to alleged errors of the court in admitting or rejecting "testimony." Under the last assignment are placed forty-eight specific assignments each dealing with some ruling of the Chancellor in rejecting or admitting evidence.

The suit was begun by C. W. Greene of Hillsborough County, Florida, and Robert A. Meier of Philadelphia County, Pennsylvania, against J. M. Burnett as tax collector of Hillsborough County, and W. B. Gray, T. C. Hammond and James G. Yeats as supervisors of the drainage district, and Eldredge & Company of New York, W. L. Slayton & Company of Toledo, Ohio, and W. R. Compton & Company of St. Louis, Missouri.

The bill alleges that the complainants are owners of certain lands lying within the district; that the lands are high, vacant and unoccupied and cannot be benefitted directly or indirectly by drainage improvements, but such lands were included in the district solely for the purpose of deriving revenue from the levy and collection of the drainage taxes thereon for the benefit of other lands subject to be improved by drainage; that certain other lands owned by the Atlantic Land & Improvement Company, a subsidiary of the Atlantic Coast Line railroad, which were directly benefitted by the drainage district were by agreement between the promoters of the district and the Atlantic Coast Line Railroad arbitrarily excluded from the boundaries of the district; that other lands owned by the said railroad company amounting to about 115 acres were released from assessment or drainage taxes by agreement between that company and the promoters of the district, in which the promoters agreed that without regard to benefits no assessments or drainage taxes would be levied on the lands; that such agreement was reached after the filing of a petition for the creation of the district and the filing of valid objections by the railroad company to the formation of it; that after the agreement was reached, however, and after the time allowed for filing objections by other property owners the railroad company in consideration of the agreement reached between it and the promoters withdrew its objection.

It is alleged that the supervisors have levied a total drainage tax or assessment against the lands of Greene amounting to $22,734.50 and against the lands of Meier a tax amounting to $4,356.25 and have levied annual drainage taxes for the years 1924, 1925, 1926 and 1927 upon the lands and intend to do likewise for the year 1928 and for each succeeding twenty-five years; that the supervisors have prepared the tax levy and entered it in the drainage tax record books and the same has been filed in the office of the clerk of the court; that the county tax collector has refused to receive from complainants the state and county ad valorem taxes until they pay the drainage tax levied upon their lands. He has assumed a like stand with all other owners of land lying within the district.

The bill rests upon the proposition that the drainage assessments or tax and the annual tax levies and the record of them are void and constitute a cloud upon complainant's lands and those of other owners of lands within the district, and that the supervisors intend to foreclose the alleged tax liens and sell the lands of the complainants.

The bill continues at some length with allegations attacking the validity of the organization of the district on many grounds, some of which are the irregularity of the original petition filed under Article I, Chapter III, Title VII, First Division Revised General Statutes; the lack of the signature of the Board of Drainage Commissioners; the lack of the requisite number of owners of land; the lack of the acreage that should have been represented; the signing of the petition ostensibly by corporations but in fact by officers with no proper corporate authority for doing so; the omission of the names of over thirteen hundred owners of land in the district and the fraudulent appending to certain signatures figures indicating the acreage owned so as to deceive the court by representing that a majority of the owners of the acreage had signed the petition when in fact they had not.

It is also alleged that an owner of lands within the district who filed valid jurisdictional objections to the formation of the district withdrew the objections after the time for filing objections by other owners had passed, and in such action, the person so objecting, was induced to do so by an unlawful agreement with one of the promoters of the district and the chief engineer in which it was agreed that any assesaments made against the lands of the petitioner would be paid in consideration of the withdrawal of the petition.

At this point the following allegation is made:

"That on the 22nd day of June, A. D. 1923, the Court, without jurisdiction of the subject matter or of the parties, entered a decree establishing said district; that said decree is recorded in Chancery Order Book — page —; that prior to the entering of said decree there had not been first obtained the written approval or consent of the owner or owners of a majority in acreage of the lands within said district; that a fraud was imposed upon said Court in obtaining said decree by misrepresentation in said petition as aforesaid; that aforesaid withdrawal of objections by said objectors was obtained for the purpose of perpetrating, and did perpetrate, a fraud upon the Court by preventing said Court from learning of the jurisdictional defects in said petition. That said Court was without jurisdiction to enter the said decree establishing said district, and that said decree was obtained by fraud and imposition upon the Court, and that the said decree is null and void and of no effect."

The bill then sets out in detail the proceedings which began in March 1924, by which a plan for the reclamation was proposed and adopted; contracts made for the work and bonds issued and sold with which to accomplish it; a revision of the plans of reclamation and the issuing of more bonds in a greater sum by three times the amount of the first issue. The first issue of bonds being $749,000.00 and the second $2,338,000.00.

The bill then alleges a state of facts which the complainants denounce as a fraud upon the tax payers consisting of unlawful agreements and combinations between a company of bond buyers, certain contractors, who desired the contract for executing the work, and the supervisors of the district and another person named Ayala described as a bond buyer who later came into the transaction, whereby the bond buyers would acquire the bonds at the price of 95 cents on the dollar ostensibly, but the contract for the work would be let to the contractors at an excessive price which would enable them to return to the bond buyers seventeen cents on the dollar for the bonds purchased thereby reducing the price of the bonds to seventy-eight cents on the dollar, whereas the law forbad their sale at less than ninety-five cents; that such scheme resulted in paying to the contractors $2,005,916.54 for materials and labor used in the construction work of a value less than $1,150,000.00.

The bill presents the proposition supported by suitable allegations that all the bonds issued and sold by the district are non-negotiable because of provisions contained in the statutes under which they are issued, viz: Section 1133 Revised General Statutes, Section 4677 of the same statutes and sections 1098 to 1152 same statutes, and amendments thereto, Sections 1451 to 1522 Compiled General Statutes and the express provisions of Section 1107 Rev. Gen. Stats., now Section 1460 Comp. Gen. Stats.

That the alteration of the original plan of reclamation filed March 15, 1924, was without authority of law because no notice of such revision was given to owners of lands in the district; that by reason thereof the assessments made and set forth in the revised plan were illegal and the taxes levied and bond issued for the payment of the improvements were illegal and void.

It is alleged that the original plan of reclamation provided for open drains and ditches which were estimated to cost $749,000.00 whereas the amended plan provided for concrete reinforced pipes, concrete flumes and culverts which would necessitate the expenditure of $3,000,000.00; that the formation of the first plan exhausted the power of the supervisors and the adoption of the amended plans was void because it was without a court order made on petition properly formulated and presented; that the amended plan did not provide for the character of drainage construction contemplated by the statute for wild and uncultivated lands but on the other hand was suitable for urban conditions and "constituted a regular city storm drainage project."

It is alleged that the original petition for the formation of the district is lost and has not been on file in the clerk's office for several years; that an order was obtained in April, 1927, changing the name of the district.

It is alleged that the validation proceedings of the two bond issues were void because; first, the statutes do not authorize a drainage district formed under the general drainage laws to sue or be sued except those provisions relating to proceedings for the foreclosure of drainage liens; second, the statutes do not contemplate proceedings for the validation of the district bonds; third, the petitions for validation were defective because they failed to set out essential matter required by the statutes; fourth, that the question whether the district was legally organized was not a proper subject of inquiry in such proceedings; fifth, that the proceedings if valid at all bound no one but the State of Florida; sixth, the bond issues were not the same; seventh, the facts were not the same; eighth, the decree establishing the district being void, the decree validating the bonds being void, there is no estoppel to challenge the authority to levy assessment of taxes or to issue bonds against interested parties; ninth, the doctrine of estoppel does not operate to confer authority and as the organization of the district was void the property owners whose property is affected by the attempted assessment are not estopped to challenge it. Other reasons are given in seven other paragraphs which may be grouped as an attack upon the validation proceedings because of imperfections in the petition and decree of the court as to the terms of the proposed bonds and lack of the court's jurisdiction to entertain the petition.

It is alleged that in making the assessments against the property in the district the commissioners did not view the premises and determine the value of the lands within or without the district to be acquired for purposes of the district and the amount to be assessed for benefits, but on the other hand all such matters were left to the chief engineer of the district.

There follows a list of lands and the amounts assessed against them which are alleged to exceed the value of the lands assessed.

The bill, which is very lengthy, concludes with a summary of its attacks upon the legality of the formation of the district; the validity of the bond issues and the assessments, which we set forth here in the words of the pleader as follows:

"That both the petition for the establishment of, and the decree purporting to establish, Interbay Darinage District are void for uncertainty of description of the boundary line of said district.

"That the taxing authority attempted to be conferred upon the Board of Supervisors of drainage districts created under Article I, Chapted III, Title VII, First Division of Revised General Statutes of Florida, is not limited by legislative provisions and exceeds legislative authority.

"That the issuance of the two million three hundred and thirty-eight thousand dollars ($2,338,000.00) of bonds and the levy and assessment of taxes to pay said bonds and interest thereon upon the property in Interbay Drainage District is a clear and palpable abuse of the taxing power and its effect is to deprive the owners of said property without due process of law.

"That your orators and the other property owners in Interbay Drainage District have been, by, the aforesaid creation of Interbay Drainage District and aforesaid levy of drainage assessments and taxes thereon and aforesaid issuance and validation and sale of bonds, deprived of their property without due process of law.

"That the issuance of drainage bonds in excess of three million dollars ($3,000,000.00) and the levy of drainage assessments and taxes upon the lands in Interbay Drainage District to pay said bonds is a clear and palpable abuse of the power of taxation for local public improvements and is unauthorized, and by such levy and assessments, your orators and other property owners in said drainage district have been deprived of their property without due process of law.

"Your orators are advised and believe, and, therefore, aver that the Interbay Drainage District or Southwest Tampa Storm Sewer Drainage District assessments are, by the laws of Florida, prima facie only of the validity of such assessments, and that said presumption may be overcome by proof of their invalidity.

"Your orators are advised and believe and, therefore, aver that the general drainage statutes of the State of Florida by express terms, provide that no "informality or irregularity in the proceedings leading up to drainage assessments shall constitute a valid defense thereto," and that therefore any jurisdictional defect in the essential proceedings culminating in such assessment may be availed of as a defense thereto, or in an attack thereon.

"That each of the defendants to this suit claim an adverse right, title or interest in and to, or claim upon, the real estate in this bill described, the exact nature thereof being to your orators unknown; that your orators are entitled to bring and prosecute this bill of complaint on behalf of themselves, and all other persons similarly situated, to a final decree for the purpose of having determined the said adverse estate, right, title, interest or claim in and to, or claim upon, said real estate which each of the said defendants claims, having each of the defendants disclose the nature, character and extent of said adverse interest, right or title which he claims in and to said real estate, and for the purpose of quieting the title of your orators in and to the said premises; that the adverse estate, right, title, or interest which the defendants claim in and to the above described real estate interferes with your orators, and all other persons similarly situated, in selling and disposing of the same "at the fair and just market value of said premises; that neither of the said defendants is the owner of the above described real estate, or any part thereof, and each of said defendants is without any right, title, or interest in and to, or claim upon, the said real estate, or in or to any portion thereof, and neither of said defendants has ever had any right, title or interest in and to said premises, or any part thereof."

The prayers are that the defendants may be required to discover the nature of their adverse right claimed to the premises; that the decree establishing the district be declared to be void and a cloud upon the complainants' title to the lands; that the assessments be declared to be invalid and a cloud upon complainants' title; that the Drainage Tax Books for the years 1924, 1925, 1926, 1927 and 1928 be declared invalid; that Burnett, the tax collector, be restrained from collecting the 1928 drainage taxes; for a temporary injunction against him and for general relief.

The supervisors answered the bill in which they denied the alleged irregularities in the organization of the district; the adoption of the plans of reclamation and issue of bonds and averred a compliance with all statutory requirements, denying the lack of jurisdiction of the court to entertain the proceedings for the organization of the district and denying all irregularities charged in the matter of the bond issue and denied the alleged fraud upon the property owners involved in the contract for the work let to Nixon and Phillips, contractors, and denying that the commissioners failed to view the land for assessment.

A demurrer to the bill was also interposed which rests upon many grounds. The general one of a want of equity; that the complainants' remedy is by quo warranto; estoppel; laches; that the bill is a collateral attack on the decree of the court establishing the district; the allegations of fraud are mere conclusions of law; multifariousness; that the bill shows that all questions presented as a basis for relief have been adjudicated by the court in the proceedings for the establishment of the district and the validation of the bonds; that the bonds issued are negotiable and the complainants are estopped from raising any question as to their validity.

No order seems to have been made upon the demurrer. It was incorporated in the answer and deferred to the hearing upon the testimony.

A great deal of testimony was taken and documentary evidence submitted.

The propriety of such a lengthy statement of the pleadings may be doubtful, but it seemed to be necessary to give the merest outline of the principal questions presented in this litigation. The evidence received is abundantly sufficient to sustain all the material allegations of fact contained in the bill of complaint. Upon that point therefore there can be no ground for disturbing the Chancellor's order. See Gove v. Nautilus Hotel Co., 63 Fla. 490, 67 South. Rep. 112; Wainwright v. Connecticut Fire Ins. Co., 73 Fla. 130, 74 South. Rep. 8; Farrell v. Forest Inv. Co., 73 Fla. 191, 74 South. Rep. 216; Hill v. Beacham, 79 Fla. 430, 85 South. Rep. 147; Simpson v. First Nat. Bank of Pensacola, 74 Fla. 539, 77 South. Rep. 264; Edney v. McCaskill, 90 Fla. 335, 105 South. Rep. 821.

A drainage district was proposed to be established in a territory embracing an area of about 13,016 acres lying between Hillsborough Bay on the east and Old Tampa Bay and Tampa Bay on the west and south. An area of about eighteen hundred acres surrounding and including Port Tampa City was excluded from the district and a like area to the south and southeastward of the district bordering on Tampa Bay and Hillsborough Bay was excluded.

The assignments of error attacking the rulings of the chancellor upon the admission and rejection of evidence, forty-eight in number, are not argued. We shall treat them under the rule, therefore, as abandoned. See Mitchell v. Mason, 61 Fla. 692, 55 South. Rep. 387; Seaboard Air Line R. Co. v. Nims, 61 Fla. 420, 54 South. Rep. 779.

The tax complained of in the bill has been levied by the supervisors, so they aver, under authority of the proceedings whereby the drainage district was established. Those proceedings were taken under the provisions of Section 1098-1152 comprising Chapter III, Article I, Title 7 of Revised General Statutes 1920. The proceedings were instituted by petition made and signed by the owners of the acreage lying within the proposed drainage area and filed in the Circuit Court for Hillsborough County in March 1923.

The bill alleges that the petition after being filed in the Clerk's office was lost; that it was not signed by a majority of the owners or the owners of a majority of the acreage of the lands to be included in the district; that the lands described in the petition were not confined to a contiguous body of wet or overflowed lands or lands subject to overflow; that the greater portion of the lands of the complainants were high and dry, vacant, unoccupied and cannot be benefitted directly or indirectly by drainage improvements and that the lands described in the petition as constituting the proposed drainage area did not consist of a contiguous body of wet or overflowed lands or lands subject to overflow and that such lands of the complainants were included within the drainage district solely for the purpose of deriving revenue from the assessment and collection of drainage taxes thereon for the benefit of other lands subject to be improved by drainage.

When the petition was filed and notice had been given objections were filed by persons owning lands within the proposed area in which it was pointed out and made known to the court that neither a majority in numbers or acreage of the holders of the lands signed the petition and that the lands embraced within the proposed district was not a contiguous body of wet or overflowed lands or lands subject to overflow and that other fundamental or essential requirements of the law were not observed; that such objections were later withdrawn by the objectors when it was too late under the statute for others to interpose objections and that such withdrawals were made under agreements either that the land of the objectors w[illegible] be omitted from the area or no tax [illegible]sessment would be levied against [illegible]

The defendants meet the cause of the complainants by saying: that the attack on the decree establishing the district is collateral; the order of the court is valid and remains so until reversed for error and the complainants are bound by it; that the bonds issued are negotiable and the complainants are estopped by laches from attacking them.

The complainants reply that the act under which the district was attempted to be established is void because it undertakes to vest in the circuit judg[illegible] the power and duty of discharging [illegible] legislative and not a judicial function; that the court had no jurisdiction to entertain the petition because it di[illegible] not meet the jurisdictional prerequi[illegible]ites prescribed by statute in conse[illegible]quence of which the decree establish[illegible]ing the district was void; that there [illegible] no authority of law for the validatio[illegible] of the bonds of the district nor we[illegible] they in terms in accordance with t[illegible] decree of validation and that as to t[illegible] bond issue it is held by purchasers w[illegible] acquired it with knowledge of its in[illegible]validity and in fraud of the district an[illegible] that no bona fide purchasers, if an[illegible] there can be, are before the court.

We will consider the major questi[illegible] first, namely: the constitutionality [illegible] the act under which the district w[illegible] alleged to have been established. [illegible] that act is in conflict with the lim[illegible]tions upon legislative power express [illegible] implied contained in the Constitution it will be unnecessary to proceed further because if the foundation of the structure is bad and must fall the entire superstructure must go with it.

Under the constitution the powers of the government of this state are divided into the departments: Legislative, Executive and Judicial, and "no person properly belonging to one of the departments shall exercise any power appertaining to either of the others, exceptly in cases expressly provided for by this Constitution." (Italics mine.) Article II Constitution. That a person belonging to the judicial branch may exercise a power appertaining to the legislative branch is not expressly provided for by the Constitution.

Section 1093 Revised General Statutes 1920 constituting the first section of the chapter on the drainage of swamps and overflowed lands and which constitutes the authority for the establishment of the district provides three methods for the formation of drainage districts:

First, by petition signed by the Board of Drainage Commissioners of the State; second, by a petition signed by a majority in numbers of the holders of any contiguous body of wet or overflowed lands or land subject to overflow situate in one or more counties in the state; third, by a petition signed by a majority in acreage of the holders

Continued on Page 5

PAHOKEE

J. C. Stapler, Duncan Padgett, Bobby Joe Sanders, Ed Spooner and Mr. Long left Tuesday afternoon on a bear hunt in Glades county, dogs and ammunition galore. By all prospects they will kill a big one.

Mr. Murphy of Plant City is in charge of the Kilgore Seed Store in Pahokee while Mr. Miller and his family are away on their vacation.

Mrs. Floyd, Mr. Owens and Cleve Cranford accompanied Mrs. Fanner to Miami where will take the steamer to ...rk.

Padgett and family ...oved in one of Mrs. Bill houses.

...and Mrs. Wm. Bloom ...t for a vacation. They ...o return some time in ...er.

...Floyd, who has been several weeks is able ...t again.

... Medlin motored to ...n Saturday afternoon accompanied home ...yrd who is with the ...mpany in Clewiston.

...and Mrs. Mike Hope... visited with friends and ...tives in Sebring Sunday.

Mr and Mrs. W. O. Tiffin ...d family left Wednesday ...a motor trip to Alabama.

The senior B. Y. P. U. organized Monday night.

Mr. and Mrs. S. A. Barfield have returned from their trip to DeLand and other parts of Florida.

Mr. and Mrs. Dozier Johnson of West Palm Beach spent Sunday with Mr. and Mrs. Tom Sheppard.

The Everglades Carpenters Union held its regular weekly meeting Monday night at the Pahokee Womans Club house.

Dr. Spooner left Saturday morning for Saluta, S. C., where he will remain for several weeks.

J. C. Mock and family left last week for their vacation in Georgia.

Walter Chaney and family have moved from the ridge to their new home in the Lake Park subdivision.

George Mathis is now staying at the Lake Park hotel.

Mr. and Mrs. Andy Milliken and family were dinner guests at the Lake Park hotel Sunday.

The women of the Baptist church of Pahokee sent a surprise box of furnishings for Mr. Parson's and Mr. LeHeup's rooms in Louisville, Ky., where they are at the seminary.

The intermediate B. Y. P. U. organized Sunday at the Baptist church.

J. H. Tidwell's brother and Mr. Alberts and their children of Stuart visited him Sunday.

Mrs. A. M. Tenny of West Palm Beach spent several days last week with Mrs. J. E. Hawkins. She returned home Friday, taking little Grace Hawkins with her to visit for a few days.

Mr. and Mrs. J. R. Poland left Tuesday on a trip to the northern part of the state. Mrs. Poland will stop at Madison and Mr. Poland will visit Tallahassee and other points. They will be absent two or three weeks.

Partitions are being placed in the Lakeshore Supply Co.'s warehouse and store at Pahokee and the painting has started.

The Young Peoples Club had a regular meeting in the old pool hall last night. The general public is always invited to attend the meetings.

New people are beginning to come into Pahokee, heralding the near approach of the busy season.

Mr. and Mrs. L. L. Stuckey and children returned the first of the week from their vacation trip on which they went as far north as into Canada. They were in New London, Conn., when Governor Carlton was there to attend the governor's conference. They had not intended to return as soon as they did but while they were at Tifton, Ga., they got word of the death of Vann Stuckey's little daughter and that led them to come on home.

Sixty persons attended a party given Thursday night of last week at the old pool hall by a young people's club for which no name has been selected. Rev. Tiffin led a brief devotional program and vocal selections were given by a quartette—Messrs. Chaney, Parker, Snyder and Weeks. Paul Tedder acted as master of ceremonies and has appointed a committee to arrange for other meetings.

WHIDDEN'S NEW FARM COMPANY

Felix H. Whidden, who has farmed in the Canal Point-Pahokee district off and on for the past 12 years, is announced as manager of a corporation now organizing to farm in the Lake Worth drainage district. Dr. F. E. Allen is president of the company, D. E. O'Hara vice president, Judd J. Moore secretary. Other stockholders are C. H. Ruggles, C. A. Suther, John G. Dee and Judge E. C. Davis, who with Dr. Allen form the board of directors; Ida Laughlin, George Krug, Mark Zill, J. A. Barco, Sheriff R. C. Baker, M. L. Pastroff, R. W. Winham, Leo J. Gleason, Dr. J. Josey, E. F. Whidden, T. E. Wiland, James O'Connor, Joseph F. Riley and John Kringle. The corporation's office is located at 209 South Olive avenue.

ONE AT A TIME, AND FINISH IT

Rotary Club Speaker Advises Luncheon Club Members As To Policy

"Don't undertake too many things," Frank P. Rudd of Homestead, a member of the Rotary Club of that city, said Friday at the meeting of the Pahokee Luncheon Club which is being sponsored by Rotarians of Homestead in preparation for acceptance into the International. "Talk it over and think about it carefully before acting on motions that your club endorse a movement; then, if you do take on the proposition, go through with it—give to it all the effort and time required, make a success of it."

Mr. Rudd's talk was part of the instruction that is being given to the luncheon club to fit its members for membership in a Rotary Club. He warned against letting the club be an agency for private and selfish interests and against salesmen who tried to transact business at club meetings. Take up one thing at a time and finish it, he repeated as a guide to general action, something of genuine community benefit.

B. Elliott, presiding, read a letter from Howard W. Selby of West Palm Beach, district governor of Rotary, who said a charter probably could be issued within ninety days and expressed a desire to visit the Pahokee club shortly.

H. L. Lapp's motion that a committee be appointed on permanent officers and program carried, as did Howard Sharp's motion that the chair appoint a committee to act with the Pahokee town council's clean-up campaign.

The meeting was held in the Jordan building dance hall. Visitors were W. T. West of Miami and R. V. Ware and J. H. Maloy of West Palm Beach. Sam McKinstry, a Homestead Rotarian who was here last week, accompanied Mr. Rudd this week. A representative of the Homestead Rotary Club will be here every week until the local club is functioning under its own power.

Need Special Meeting To Let Road Contract

The State Road Department will rebuild the Pahokee-Belle Glade road but it appears by a letter from Ernest R. Graham, member of the board for this district, that Mr. Duncan, the new engineer, will have to approve the plans, then bids will be asked in a legal advertisement and the work can be let only at a meeting of the board. Mr. Graham is hopeful that a special meeting of the board can be held in September to let the job. The successful bidder will then have to have time to get his bond approved and get equipment on the job.

John Manga of Belle Glade was riding around this week to see what was going on in different parts of the Glades. He runs a restaurant and he says his business is picking up. Mr. Manga is a native of Roumania, where "mamaliega" is the national dish and he was entertained by the knowledge that there is someone in this region who knows what it is.

Tractors Scarce But Elliott Got Some

New Fordson tractors are unobtainable and rebuilt Fordsons are scarce but B. Elliott, the dealer at Pahokee and Belle Glade, has managed to get hold of several rebuilt tractors and has them for sale. The Fordson is standard equipment for Everglades muck farms and as the plowing season will start shortly it is fortunate for the community that Mr. Elliott has been able to get several Fordsons at this time.

HIATT HAS JOB AS SPECIALIST

Gets Appointment In Florida State Marketing Bureau, Was County Agent

S. W. Hiatt of West Palm Beach, who was agricultural demonstration agent for Palm Beach county for four years, has been named as a fruit and vegetable marketing specialist of the Florida State Marketing Bureau.

Announcement of his appointment was made Saturday at Jacksonville by L. M. Rhodes, state commissioner of marketing, on his return from Winter Haven where on Friday he attended the citrus session at which U. S. Secretary of Agriculture Arthur M. Hyde was the principal speaker.

Previously Mr. Rhodes had announced the employment of F. W. Risher of North Carolina and L. H. Lewis of South Carolina as the poultry and live stock and general farming marketing experts. The appointment of the three men was approved by the State Agricultural Marketing Board, composed of Governor Carlton, Commissioner Mayo and Commissioner Rhodes.

Mr. Hiatt, a native of Virginia and educated in Iowa, has been in Florida for 15 years. For several years he was county agent for Jackson county and later became division agent for south and central Florida. Lately he has been employed by the Lake Worth drainage district in an advisory capacity.

The expansion program of the state bureau will probably get definitely under way by August 15, Commissioner Rhodes said. The specialists and Frank H. Scruggs, market news veteran whose appointment was made public some time ago, are to report here around August 10, the announcement stated.

MIAMI TRUCK LINE

Shirley A. Lockwood, of Miami, operating the Union Line Transfer, has made application to the state railroad commission for a permit to run a freight line on state roads in the upper Everglades. Hearing on the application is to be held at the Columbus hotel in Miami on August 5.

LAST MEMBER OF GANG IS BEHIND BARS

Ode Robinson, arrested last week in a houseboat at Clewiston, is described by the Glades County Democrat as "the last member of the Horace Alderman gang," liquor runners and smugglers of aliens and narcotics. Alderman is under sentence to hang in Fort Lauderdale. Robinson has been scouting for three years. He had declared he would never go to jail but he submitted to arrest quietly.

PUMPING ALLOWS FALL FARM WORK TO START EARLY

Continued from Page One

of the Phipps' Mayaca property; the four miles of intervening territory is not contained in a drainage district but there are ditches that can be made use of if the relatively slight expense of flood gates is assumed to hold back Lake Okeechobee. Pumps are being run in Pelican Lake district now and are controlling the water in the rainy season.

The Pahokee drainage district has been divided into units for better administration and another ditch is to be cut to make outlet for water from the unit that is alloted to truck farming.

Pahokee district butts on South Florida conservancy district on the south, there being no break in the districted territory from the point three miles north of Canal Point down the eastern side of the lake and along the south side to the extreme western line of Palm Beach county.

The area of pump-controlled land in South Florida conservancy district is large; it is greater than will be utilized. Pumps in that district are controlling the excess waters normal to the rainy season.

Beyond South Florida conservancy district is Sugarland district in the Clewiston territory, and continuing the line is Diston Island district in Glades county, with Newhall district at Moore Haven.

For a distance of more than 50 miles there are seven drainage districts with connecting boundaries and in which there are 16 pumping plants.

From St. Lucie canal down the eastern shore and along the southern shore and to include the Moore Haven territory, The Everglades News estimates, there are between 14,000 and 16,000 acres of trucking land that will get service from pumping plants—not complete service in all cases but a sufficient measure of service to make the pumps a factor. For a part of this acreage the pumping service will be to irrigate land and to mitigate the frost hazard.

In Okeechobee county there is the Eagle bay district and there are private pumping plants. There is an extensive water control system on the large acreage of the Brown Company plantation in the middle Glades on Hillsboro canal, where potatoes, celery and lettuce are grown in large quantities.

UNION CHURCH

At the close of a pleasant and profitable Sunday school hour the members and friends of the Union church adjourned to the lake shore to witness the baptism of one of our popular young teachers, Miss Mary Elizabeth Cadenhead, adopted daughter of Mr. and Mrs. R. W. Wisdom.

Reverend Tiffin performed the sacred ceremony by immersion, as this form of baptism was preferred by the candidate.

The church building goes on, growing in spite of the handicaps which are bound to arise from the difficulty of getting all ideas of a group into smooth, harmonious action. We are all very human and when we donate anything, either time or money, we like to dictate how it shall be used. It is only through applying Christianity to our daily life that we can learn to submit our will to the common good, and feel good to see the other fellow carry out his part of the general plan. Thus we cast out the serpent of envy from the garden of Eden that should be in our hearts.

Sunday evening Reverend Tiffin preached a sermon on giving, from the 12th chapter of Mark, verses 41 to 44. He showed that money as well as all material accomplishments means human life invested. The way we take care of money shows what we are. At the close a class of ten adults were received into the fellowship of the church.

In the Circuit Court, In and For Palm Beach County, Florida, Fifteenth Judicial Circuit — In Chancery.

ORDER OF PUBLICATION

A. J. York, Complainant.
vs. Harry McNeil, Defendant.

The State of Florida to: Harry McNeil

It appearing from the sworn Bill of Complaint that the residence of Harry McNeil as particularly as is known to affiant H. Roy Lang, Solicitor for Complainant, is Oklahoma City, Oklahoma, and that there is no person in the State of Florida upon whom service of process would be binding on the Defendant, that the affaint believed the age of the Defendant to be over the age of twenty one years.

It is therefore ordered that you appear on the 2d day of September, A. D. 1929 to the bill of complaint filed against you, in the above entitled court and cause, wherein A. J. York seeks to foreclose a certain purchase money mortgage. Unless you appear and defend against said bill on the 2d day of September, 1929, a Decree Pro Confesso will be entered against you according to law and the practice of this court. The Everglades News, a newspaper of general circulation in said county, is hereby designated as the paper in which this order shall be published for four consecutive weeks.

Witness my hand and seal at West Palm Beach, Florida, this the 25th day of July, A. D. 1929.

FRED E. FENNO,
Clerk of the Circuit Court in and For Palm Beach County, Florida.
(Circuit Court Seal)
By Merle P. Johnston, D. C.
H. Roy Lang, Solicitor for Complainant,
Aug. 2, 9, 16, 23, 30, 1929.



THE EVERGLADES NEWS

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HOWARD SHARP, Publisher

DRAINAGE DECISION IN FULL

The decision of the Florida supreme court in the interbay drainage district case is printed in full on page 2 of this issue of this newspaper.

The decision is regarded as important and was generally discussed among bond buyers, lawyers, contractors and payers of drainage taxes.

Several columns of spaec are required for the decision but it is printed in pursuance of The Everglades News' policy of recording all historic events that relate to the Everglades.

BROKEN DOWN AND SWALLOWED

If any reader of The Everglades News chances to have at hand a copy of the current issue of Progress Magazine, a publication issued from Lake Worth, the reader is asked to refer to the magazine and read the article there printed under the title "Has Democracy Broken Down?"

The article is a series of paragraphic extracts from Dr. Will Durant's paper in Forum Magazine under the same title.

There are evidences that the answer to the question is, Yes.

The incompetency of boards of county commissioners in the administration of county funds brought about need for the laws that Governor Carlton put through the 1929 Legislature—not all boards of county commissioners but enough of them to create a controlling condition.

The states are surrendering their powers to the national government and the counties are surrendering power to the states as also are the municipalities.

This tendency in government corresponds to the tendency in industry; local public utility companies are being absorbed by the great corporations, chain stores are supplanting the independently owned stores, and so on.

Readers of The Everglades News are invited to write their views on these questions. But please be brief.

STATE TAXES GO BACK TO COUNTIES

Tallahassee Democrat.

Florida's attorney general has the reputation of being one of the most consistent of public servants. In politics he is outspoken and in matters of state, even to his stand on a pardon case, Fred Davis never leaves anyone in doubt as to his position.

These qualities are recognized in the state's legal advisor but we wonder if his optimism has attracted the same amount of attention. It seems at this time, when so much is being said about taxes, to shed a deal of comfort.

In speaking of the record millage rate for state purposes recently fixed by the governor, Mr. Davis pointed to a fact, as yet not mentioned by the newspapers, that virtually all of the state levy except the general revenue fund, goes directly back to the counties. The pension fund, from which the state pays veterans and their widows, goes back to the various communities; the state board of health serves every community in the state directly; the free text book fund reaches every public school in the state as does the common school fund and the public free school fund, and tick eradication, already completed, or to be completed in every county, is also sent back to the counties. Even a large part of the general revenue fund finds its way back into the counties through the many functions it provides. The state prison fund is of the lease direct benefit, perhaps, of any fund levied by the state.

Mr. Davis fails to see where the state is taking very much away from the counties in elvying taxes for its own use which does not eventually find its way back into the communities from which it came.

FARM NOTES

Onions of late varieties planted from seeds are due to begin to move from North Texas about the middle of July, a Department of Agriculture report says in connection with a general report on truck crops, and that statement together with other items in the report ought to be interesting to owners of land in sections of the Everglades where onions can be grown.

While one district in Texas is finishing the shipment of Bermuda onions, the Coachalla Valley district in California was ending, too, but Kern county, California, was only half through and onions were being received into the United States from Spain.

An onion growers from Massachusetts who took a flyer in onions in the Moore Haven district a few years ago remarked to me, one time: "The consumpton o ifonions doesn't change from year to year; the Dagoes need just about so many onions to flavor their soups and when they've had enough for that, that's all the onions you can get rid of even if you gave them away." The reports from the Department of Agriculture do not confirm the Massachusetts man's statement; anyway, the population of the United States is increasing and it stands to reason that more people will consume more onions.

But whatever the consumption of onions is, why should not those onions be grown in the Everglades instead of in the Rio Grande district of Texas or North Texas or Coachella Valley, California, or Spain?

Very evidently July is not too late to sell Bermuda onions, for both Texas and California are selling them. We used to be told that there was no use raising Bermudas in the Everglades unless we could make the crop ahead of the Rio Grande district, but California growers are doing it.

Freight rates are no bar to growing onions in the Everglades, for it is demonstrated that California does not get a better rate than we do.

PRESS OPINION

TAXATION

Jacksonville Times-Union: "The matter of taxation had been emphasized in the first message to the legislature in April. The financial situation in the state was far from satsifactory, and the lawmakers were asked to consider plans outlined for relief and to act with their best judgment toward that end.

"In the last days or even the last hours of the extra session the work urged as most important was done. Some things had been developed to the point where they were easily handled at the finale, but the taxation schedules and the appropriation bill were contested and discussed and argued during the later days of the session, involving much speculation as to whether or not a second extra session might be called. The results noted in a general overlook of bills passed and defeated, it would seem that the financial program agreed to must be of great help to the state. With something definite planned for the relief of counties that have become embarrassed through the issuance, of large amounts of improvement bonds, an arrangement made by which delinquent taxpayers may recover their property through purchase of state certificates on terms greatly reduced from the usual (for a stated period only), and the requirement of sworn returns made by property owners, the revenue of the state is expected to be increased without greater general levies.

"The struggle is now ended, for a while, and it appears that probably the best that could have been expected has been secured. The situation in the state was such as to invite serious criticism before the legislature assembled. It is now indicated as ready to undertake a readjustment of financial affairs with every prospect of success. Some things that had been hoped for were denied; some changes in the matter of tax collection are not altogether understood—or generally welcomed—but things could easily have been worse. The governor and the legislature undoubtedly have done their best for the people of the state, and deserve credit for determination and good work."

St. Petersburg Times: "It was not that it was not a good enough legislature, as legislatures go, for they are all about alike, even the national legislatures. But it was very fortunate for Florida just at this time that it had a governor who knew what the state needed, and had the determination to hold the legislature in session until he got action."

Glades County Democrat: "When we read the resolutions which the Florida legislature adopted on the occasion of Mrs. Hoover entertaining a negro wife of a negro representative at tea at the White House, we realized that the extra session had not been in vain."

THE MIAMI CANAL

From The Miami Herald.

While the original idea of constructing canals from Lake Okeechobee to the Atlantic ocean on one side of the state and to the Gulf of Mexico on the other was not primarily to furnish means of water transportation, yet in the development of the southern part of the state it is becoming important that some of the canals designed for drainage should also become water routes.

The Miami canal, reaching from the lake to the Miami river, is one such canal. On the northern end it taps an extensive section of the state in which vast quantities of fruit and vegetables are grown. At present railroad facilities from that section to the seaboard are entirely lacking.

If the plans to widen and deepen the Miami canal for drainage purposes could be enlarged to include the project of making the canal a waterway it would result in inestimable good to the section around the lake which could then ship its produce to the wharves in Miami for transhipment to the northern markets at a very low cost.

Even when the two railroads that come into that section from the north finally make their way to Miami the canal would be of great use to the growers in the lake region, for water transportation is cheaper than rail and where time is not limited in which to get produce to market there would be sufficient traffic within very few years, to create a market in Miami by which that produce could be handled without waiting for it to get farther north.

Miami is vitally interested in multiplying the lines of transportation into and out of this city. The proposal to make the Miami canal a waterway for freight should be fostered and encouraged by every interest in the city.

Its completion would materially aid in the growth of Miami.

REMARKABLE REMARKS

School girls should be either dressed or undressed; half measures are poor measures.—Arthur Brisbane.

The American people have got so used to quacks in high office that they have come to feel uneasy in the presence of honest men.—H. L. Mencken.

Why not reach for a Bible instead of a smoke?—Rev. Russel Brougher.

We cannot consecrate our church until it is paid for. —Rev. Henry Darlington.

Kisses are just the meringue on the lemon pie of matrimony.—Dorothy Dix.

IN LIEU OF GOLF

We strive to please. "You ought to print a good poem in your paper once in a while," a friend told us recently, probably because he missed Frank Friend's poems, Frank being out in California and not making the contributions to this paper which had gotten its readers in the habit of reading that kind of literature. About that time we saw, somewhere, under the head of "Poems That Live," Alfred Tennyson's poem "Crossing the Bar." We know that not all of the readers like poetry; to some of them poetry is only something to skip, and we have a friend who is willing that poetry be printed because, he says, he has to skip some things in a paper and he'd rather skip poetry than anything else. They just won't take poetry seriously; there are men who would parody that famous poem and entitle it "Double-crossing the Bar." Be that as it may, having in mind the suggestion that we ought to print a good poem once in a while and not having one of Frank Friend's or Mrs. Lindrose's at hand, we clipped Tennyson's.

Human beings are an odd mixture. One of the most low-down, dissolute sons of a gun I ever knew was a steadfast Presbyterian and never failed to go to church on Sunday if he was out of jail. One little ember of the divine fire still flickered in him. I have been in mining camps in the now dead and gone wild and woolly west, camps where there were some females but no womanhood, where the bar, the gambling tables and the dance hall all under one roof made the shrine to which all of the men repaired, as in that Colorado camp of which Cy Warman wrote,

"It's day all day in the daytime
And there ain't no night in Creede."

In those camps the ballads that were most popular were the songs that celebrated virtue and denounced vice and the most popular plays were the melodramas full of sentiment. Strong, rough men wept as the pathetic old father denounced the villain: "You ain't done right by our gal Nell."

You want to know what all this has got to do with Tennyson's "Crossing the Bar?" Keep your shirt on, you'll find out in due season.

Does a strain of music or a whiff of perfume sometime recall things you thought you had forgotten? Well, it does to some people, anyway. When I encountered that Tennyson poem my memory shot to a time when our boat was entering the harbor of Frontera in the state of Tabasco, Old Mexico. There is a bar there, made by a river the name of which I could never pronounce or spell; it was not a particularly bad bar but its crossing was attended by some danger. The boat was none too seaworthy and the captain none too competent, but danger is a relative thing; the passengers on that boat were men who had taken risks before. The passengers were of a varied lot, human beings in whom was that odd mixture that has been remarked upon, some of them men of a type you read of in stories in Saturday Evening Post and magazines of adventure. This was down in Old Mexico, remember, on a boat on the Gulf of Mexico going from Vera Cruz to that state of which San Juan Baptista is the capital. I was to go a day's journey from Frontera up a river to near the Guatamaulan frontier and look at an oil company property and make a report on it; that was why I was there. Whether the business of all of my fellow-passengers was as legitimate, I do not know. There was with us on the boat a professional adventurer, a soldier of fortune, a man of the profession of Othello who might have been a character to Richard Harding Davis or a companion of O. Henry in Sidney Porter's South American experiences.

We were crossing the bar of the harbor of Frontera in a tub of a boat, the sea on one hand and land on the other, with the contrasts of them, in the glamor of the tropics, as motley a mixture of human beings as passengers as was ever comprised in that number of us. Belasco nor any other could have made a more fitting setting for it, and our scallawag friend recited Tennyson's poem.

CROSSING THE BAR

Sunset and evening star,
And one clear call for me
And may there be no moaning of the bar,
When I put out to sea.

But such a tide as moving seems asleep,
Too full for sound and foam,
When that which drew from out the boundless deep
Turns again home.

Twilight and evening bell,
And after that the dark!
And may there be no sadness of farewell,
When I embark;

For though from out our bourne of Time and Place
The flood may bear me far,
I hope to see my Pilot face to face
When I have crossed the bar.

MARTIN'S POOR ALIBI

The announcement that state taxes will be higher in the next fiscal year did not surprise anyone who knew the condition of state finances. In his inaugural address at Tallahassee in January Governor Carlton told of the deficits in the several state funds and warned that the Legislature would have to appropriate far less money than usual or state taxes would be higher.

The fact that the state finances were in bad shape and that something had to be done about it was a reason for the Legislature being in session so long, struggling with the problems of revenue and finance, and although cuts were made in the appropriations the reductions were not enough and there was nothing left for the governor to do but to set a higher millage.

The State of Florida had gotten behind in its affairs, just as many cities and counties had done, and many business men and corporations, for the state had gone too strong during the boom. It was during John W. Martin's administration that the state got behind; Governor Martin and the Legislature of 1927 did not adjust themselves to the new conditions. Ex-Governor Martin's mistake now is in trying to wriggle out of responsibility for what they did.

In a statement ex-Governor Martin gave out last week he denied there were deficits in the funds; all he had done in his term, he said, was to transfer money from one fund to another. Well, that was all right as long as there was any money, and it would have been all right if his administration had furnished money to transfer back to replenish the depleted funds, but he didn't do it—he got out of office and left Doyle, Carlton with the bag to hold and the bag was empty.

Most of the financial troubles of Florida cities and counties were caused by that practice of transfer of funds, robbing Peter to pay Paul. It's bad business, whether done by a governor or county commissioners.

WOULD BE POSTMASTER

There are four applicants for the position of postmaster at Indiantown.

RANDOLPH P. O.

A post office is to be established under the name Randolph at a point on the Seaboard railroad seven miles east of Indiantown and 18 miles northwest of West Palm Beach. An examination of applicants for the position of postmaster will be held August 14. An applicant, to be eligible for appointment, must have been a resident of the community for two years.

WHY INTEREST IN ROAD MATTERS IS DORMANT IN MARTIN COUNTY

Public and Private Finances Hurt By Bank Failures, But Present Tears Are Expected To Turn To Tears of Joy Later

The "low-down" on conditions in Martin county—a real "survey" of conditions—is contained in a letter from a man who knows that county well. His conclusion is that after a good tourist season the people will be in good spirits and will support reasonable projects for public works.

The interest of Canal Point people lies in the fact that the co-operation of Martin county is wanted in a movement for a free public road to connect the two sections and for an extension of the Seaboard railroad from Indiantown to the Canal Point plant of the Southern Sugar Co. With its large land holdings at Indiantown the Seaboard is an important factor.

The letter with the information on Martin county conditions follows:

"I think the real reason that interest in road matters in Martin county has lagged is that the Seaboard has not paid its taxes yet and although promises are held out, the lack of money is crimping this county very badly. Another thing that has interfered is a lot of internal dissention growing out of the failure of both banks last spring, subsequent scandals or supposed scandals, and their inevitable effect on the harbor project here. The inlet district lost about $300,000 in the bank failures, and people generally are very sore on the subject. This is offset to some degree by the fact that the government is coming in now with $72,000 to work on the harbor where the dredges quit when the money ran out, and the government promises to put another $200,000. This amount of money will finish the job and give us 18 feet of water to the terminal.

"When that becomes an accomplished fact, I am of the opinion that some of the present tears will be turned to tears of joy, and it will be possible to do something constructive on development projects—tributary roads, etc., but at present I regard anything in that line as lost effort. The bank failures were a considerable blow here, although the new bank has helped a lot, it takes a lot of dynamite to move a heavy weight. I find that my business, week for week, is somewhat better than last year, but it is still nothing to cheer about.

"I cannot say whether the Seaboard is for or against anything. I don't think they know themselves. Their road is involved financially, along with the rest of Florida, and they are mostly trying to work out of a bad hole. I don't think they are specially antagonistic toward harbor development, but even when the harbor is finished here, it is going to take a personal appeal to Nutt or Powell, or some similar move, to stir them to completion of their proposed link from Indiantown to the harbor here. Those things will come in time, I feel, and there is no use pushing them very hard just now. I am not able to put my finger on anybody in the organization who really can say 'yes' or 'no' and mean it.

"The Seaboard is holding off on paying taxes because their new assessment is about 15 per cent lower than last year, and by being allowed to pay taxes for both 1928 and 1929 on the new assessment, they can save about $30,000."

Acre of Papayas

SOUTH BAY, July 30.—Frank S. Lee started Monday morning to set an acre of papayas on his land adjacent to South Bay.

CALLERS

Our good old friend Captain C. H. Phillips, now a resident of Moore Haven, looked in on us Tuesday. He had come over with Joe Kahn, who has stores at several South Florida points and who was visiting his Pahokee store. Captain Phillips gave an account of the "graveyard" that was established at Moore Haven following the annual town election Monday.

J. F. Townsend of Lake Wales, head of a lumber and supply company, was a business visitor to Canal Point Wednesday. He was accompanied by J. W. Bishop, his father-in-law, who is now living in Sebring. Before the advent of Conners highway and the later coming of the railroad, Mr. Townsend's company sold most of the lumber that was used in this section and he still has a good trade here. Mr. Bishop lived at Ritta for several years; he was there during the September hurriance and was the only one of the nine persons who took refuge in his house who was not drowned. One of the victims was his son-in-law, H. W. James. The Bishop house at Ritta is being rebuilt and he will resume residence there.

INVITED TO BEACH

People in the Everglades are particularly invited to make use of bathing facilities at Palm Beach.

In the Court of the County Judge, Palm Beach County, Florida

In the Matter of the Estate of Frederick Osborn, Deceased.

To all Creditors, Legatees, Distributees and persons having any Claims or Demands against said estate:

You and each of you are hereby notified that, you are required by law to present any and all claims or demands which you or either of you have against the estate of Frederick Osborn, deceased, late of the County of Palm Beach, State of Florida, the truth and validity of which must be verified by affidavit, to the county judge of the County of Palm Beach, Florida on or before the 1st day of July, A. D. 1929, said date being twelve months subsequent to hie date of the first publication of this notice, otherwise your claims or demands will be barred by limitation of law.

J. H. TIDWELL,
Administrator of said estate.
12-t10

CANAL POINT

Mr. and Mrs. R. C. Brackett, who are in the north on a vacation trip write from Aberdeen, S. Dak., and say there is "lots of hot weather."

Having delivered a boat to the Oklawaha job of DuPont & Holloway in the interior of the state, L. W. ("Slim") Hays has returned to Canal Point.

Mrs. P. H. Buchanan of Sarasota, mother of Miss Catherine, returned with her when Catherine came home Sunday after a visit at Sarasota. Mrs. Buchanan will remain here about a month. Miss Jewel Blackshear of Sarasota came with them and will visit Miss Catherine for a few weeks.

Mrs. W. A. Adams, Mrs. Jack Barrett, Mrs. A. Hansen and Mrs L. C. Goolsby went to Belle Glade Thursday afternoon to help catalogue the books for the Everglades library. This is the third trip taken for that purpose, Mrs. A. Coburn and Mrs. Vincent Stadnick having gone with others on the previous times. Over half of the books are now finished.

Charles Tedder is again in possession of the three-story apartment house a mile north of Canal Point, the former tenant having vacated last week.

Vance Hooker of West Palm Beach, an old Everglader, is bringing fresh meat out from West Palm Beach each week. He is a brother of William Hooker of Clewiston and used to live at Bare Beach.

One-Man Repair Crew

Maintenance of Conners highway and the prevention of holes is being effected by a one-man repair crew. Formerly there was a crew of three men or more but the one man who is running a truck with a supply of asphalt seems to be taking care of the job satisfactorily.

BASE BALL

TEAM STANDING

	Won	Lost	Perc
Clewiston	2	0	1000
Canal Point	2	1	666
Brown Co.	2	1	666
Moore Haven	1	2	333
Belle Glade	1	4	.200
Okeechobee	0	1	000

RESULTS
Sunday, July 28
Brown Co. 5-4, Moore Haven 2-1.
Clewiston 4-4, Belle Glade 3-3.
Canal Point 9, Okeechobee 0.

HOGGLY-WOGGLY

L. L. Knight, who runs a store a mile north of Canal Point, has arranged an entrance gate and an exit gate through which customers enter and depart. This plan has merit, no doubt, although it removes the counter on which his callers used to sit and dangle their legs while they talked religion and politics. Mr. Knight says he does not fear a suit for infringement of Clarence Saunders' patent; his is a hoggly-woggly store, not a piggly-wiggly.

L. J. Pape Is Elected Moore Haven Mayor

L. J. Pape, a baker and restaurant man, was elected a city commissioner of Moore Haven at the annual election held Monday. He got 110 votes to M. L. Arnold's 45. He will succeed John Dowd, druggist, who declined to be a candidate for re-election. The other commissioners are J. L. G. Smith and John Taylor.

JUANITA STUCKEY

Annie Juanita Stuckey, 12-year old daughter of E. V. Stuckey, died Saturday at St. Vincent hospital, Jacksonville, where she had been taken for an operation. The funeral was held at West Palm Beach Tuesday afternoon; the service was conducted by Rev. F. E. Tiffin of Pahokee and the pall bearers were six of the little girl's young friends. Burial was made at Woodlawn cemetery. Annie Juanita was the niece of L. L., W. S. and Charles Stuckey.

SPEEDING CAR RAN INTO LOCK

Stuart Youths In Ford Coupe Escape Injury In Odd Experience

Three young men from Stuart who had attended a dance at Pahokee Friday night, riding in a new model Ford coupe, ran the car into the lock chamber at Canal Point early Saturday morning. When one of the boys was asked how fast the car was going he answered by asking, "How fast will a Ford go?"

A version of the story about the affair is that the visitors from Stuart were being chased by the Pahokee marshal for a minor offense. As the occupants of the fleeing Ford approached Conners highway they noted the tail light of a car right in line with them but they did not notice that the car they thought they were following was on the other side of the canal. They did not slow down and went over the masonry into the canal.

The three young men got out of the coupe through the top, swam till they got located and then climbed out on the north side. None of them were hurt. Hugo Boe took them to the toll gate and the orchestra leader picked them up and took them to Stuart. The car was pulled out the next day.

M. E. CHURCH NOTES

Sunday school, 9:45 a. m.
Preaching services, 11 a. m. and 8 p. m.
Prayer meeting, Wednesday 8 p. m. followed by a social hour.

The Ladies Aid Society had an all day meeting with Mrs. Bergen Tuesday and following a delighting picnic luncheon a business meeting was held. Mrs. Janes reported for the committee to visit the sick that several visits had been made and the sick members were better.

The civics committee was instructed to write to the F. E. C. railroad and Conners Highway requesting the removal of the tall weeds from the banks of the lake and the highway.

Mrs. Bergen reported that the supper committee would have a waffle supper about the middle of August.

An interesting paper was read on the subject for discussion, Russia.

The next meeting will be with Mrs. Santee.

The Crow brothers are awaiting material for the work on the church building.

Colored Teams Play, Port Mayaca Wins

There is a team of good colored ball players at Port Mayaca; there is a team of good colored ball players at Clewiston, and the question of which is the better team was put to a test on the Port Mayaca diamond Sunday. The Mayaca team proved to be the better—that day, for the score was 2 to 1, but the question is not settled for good and there will be other games.

Decision In Full In Drainage Case

Continued from Page Two

of such lands." In any case the petition is required to be filed in the office of the clerk of the circuit court of the county in which the lands or the greater portion of them are situate.

The Board of Drainage Commissioners of the State, referred to in the above section, was a board of drainage commissioners undertaken to be created by Chapter 5377 Laws 1905, which act was declared to be unconstitutional by the Federal Court of the Southern District of Florida and afterwards amended by Chapter 5709 Laws 1907, in which a Drainage District was "specifically identified and named by a public act of the Legislature." See Richardson-Kellett Co. v. Kline, 70 Fla. 23, 69 South. Rep. 203. That board constituted of the Governor, Comptroller, State Treasurer, Attorney General and Commissioner of Agriculture and their successors in office.

That act was superseded by Chapter 6456 Acts of 1913 and amendments thereto in which the same state officials and their successors in office were constituted the governing board of "Everglades Drainage District" and the board is designated as the "Board of Commissioners of Everglades Drainage District."

The above mentioned acts of the Legislature constitute part of the legislative history of the development of the "Everglades Drainage District" embracing the adjacent territory north, east and west of Lake Okeechobee and the area of swamp and overflowed lands known as the "Everglades" lying south of the lake.

Chapter 6458 Acts 1913, Sec. 1098 et seq. Revised General Statutes 1920, was an act which in purpose was supplemental to, rather in aid of, or as the statute declares "alternative to," the state policy for the reclamation of swamp and overflowed lands for sanitary or agricultural purposes or for public health, convenience, or welfare. The act was declared to be remedial in character and was not intended to repeal or affect any other drainage laws.

An order of the circuit court is necessary to create a district under the provisions of the law and the power may be invoked only upon a petition of land owners who own lands within the area intended to be incorporated within the district (assuming for the purposes of this discussion that the so-called Board of Drainage Commissioners of the State is non existant.)

We are of the opinion that a jurisdictional prerequisite to the exercise of the power by the Circuit Court is a petition filed in the circuit court signed by a "majority, either in numbers or acreage, of the holders" of the wet or overflowed lands lying within the proposed district. There is no special significance in vesting the power in the "Circuit Court" in which the petition has been filed to determine whether the district would be to be advantage of the lands owners or in the interest of public health because such power is in no sense an increase of judicial power possessed by the circuit courts under the Constitution. See Secta 1-11 Art V Constitution.

The judicial power of the State is vested in certain courts enumerated in Section 1 of Article V and that power is distributed between the courts named in other sections of the same article. In enumerating the subjects over which the circuit courts shall have jurisdiction Section 11 provides "and of such other matters as the Legislature may provide." But such other matters must be justiciable matters; that is, such matters as are capable of being adjudicated by the judicial power, because Article II prohibits any person belonging to one department from exercising any power appertaining to either of the other departments. The judicial power of the State extends to all controversies justiciable in their nature and to the parties to which or the property involved in which may be reached by judicial process. All the judicial power which the state is capable of exercising is vested by the constitution in the courts enumerated in it. See Kansas v. Colorado, 206 U. S. 46, 51 L. Ed. 956.

It would seem therefore that if the power to create a local drainage district is either a legislative or executive power such matter could not be vested in a person belonging to the judicial department.

The power to create drainage districts is a legislative function. The power appertains to the legislative department of government in the interest of public health, convenience and welfare. See Lainhart v. Catts, 73 Fla. 735, 75 South. Rep 47, 19 C J. 606 and authorities cited in note 15.

In the Lainhart case, supra, in which the act under consideration in that case, Chapter 6456 Acts of 1913, as amended by Chapter 6957 Acts of 1915 was attacked as a local measure and obnoxious to Sec. 20 Article III of the Constitution prohibiting local measures for the assessment and collection of taxes for state and county purposes, the court said, speaking through Mr. Justice Love, Circuit Judge acting in place of Mr. Justice Ellis disqualified. "It must be borne in mind that the Drainage District in question is established directly by the legislature of the State, its creation not being delegated to local boards, commissions or other instrumentalities; the assessments or charges upon the lands are fixed, determined and imposed directly by the legislature and are not referred to the judgment of any board or body to be ascertained and determined." (Italics mine.)

In the case of Bannerman v. Catts, 80 Fla. 170, 85 South Rep. 336, the Court speaking through Mr. Justice Wilson, Circuit Judge, said: "It is too well settled to admit of any argument that the drainage and reclamation of swamp and overflow lands are a proper exercise of legislative authority."

An analysis of the act under which the "Interbay Drainage District of Hillsborough County" was sought to be created reveals:

First, that it is a general act for the purpose of providing for the drainage of swamp and overflowed or wet lands in local districts; second, the assessments provided for are special assessments for local benefits; third, the purposes of the act is to create a "Public Agency" in which the power shall be vested to execute the plans of drainage in the interest of public health or the public welfare and to levy the assessments for benefits to enable the plans to be executed; fourth, that the legislative determination of the public necessity for the establishment of a local Drainage District, that is to say, whether the power which appertains to the Legislative Department shall be exercised, is made to depend upon four conditions, namely:

A. that a petition for the the establishmen of such a district shall be filed in the circuit court in which the lands lie, signed by a "majority, either in numbers of in acreage, of the holders," of the land to be included within the district to be established; B. the lands shall be a "contiguous body of wet or overflowed lands, or lands subject to overflow;" C. the circuit judge shall hear in a summary manner the objections, if any there be, to the establishment of the district; D. upon hearing the objections, "if any have been filed," he "shall be of the opinion that the establishment of the said drainage district and the improvements to be made thereunedr will be "either, first, for the "advantage of the owners of the real property therein" or second, "that the same would be in the interest of the public health, convenience or welfare," fifth, in case no objections have been filed the court shall by its order duly entered of record, declare and decree said drainage district a public corporation of the state.

The importance of condition A under the fourth item above mentioned is emphasized by a proviso contained in Section 3 of the act, Sec. 1100 Revised General Statutes 1920, to the effect: "That no drainage district shall be established or consolidated under any provisions of this article until there shall have been first obtained the written approval or consent of the owner or owners of a majority in acreage of the lands within said district."

Assuming for the sake of argument upon the principle that great latitude should be accorded to the Legislature in the exercise of its proper powers, Stewart v. DeLand-Lake Helen Special Road & Bridge Dist. in Volusia County, 71 Fla. 158, 71 South. Rep. 42; State ex rel. Young v. Duval County, 76 Fla. 180, 79 South. Rep. 692; Bailey v. Van Pelt, 78 Fla. 337, 82 South. Rep. 789; Nabb v. Andrew, 89 Fla. 414, 104 South. Rep. 591; McNeil v. Webeking, 66 Fla. 407, 63 South. Rep. 728; Noble v. State, 68 Fla. 1, 66 South. Rep. 153; Pinellas Park Drainage Dist. v. Kessler, 69 Fla. 558, 68 South. Rep. 770; State v. Bryan, 87 Fla. 56, 99 South. Rep. 327, that Chapter III Art. I. Div I Title VII Revised General Statutes, supra, is a legislative determination of a system for the drainage of swamp and overflowed or wet lands, the fact remains that the system is potential only, existing in possibility not in actuality. Its potency, by legislative expression, the verbiage of the act, the revealed purpose of the law making power, depends unqualifiedly upon the happenings of the events enumerated under the fourth item above mentioned, namely; B, the lands to be incorporated in the district proposed to be established must be a "contiguous body of wet or overflowed lands or lands subject to overflow;" C. the circuit judge shall hear all objections that may have been filed; A. that the petition shall be in writing and signed by a "majority, either in numbers or acreage, and D. that the judge shall be of the opinion either, first, that the establishment of the district will be for the "advantage of the owners of the real property therein," or, second, that it will be "in the interest of the public health, convenience or welfare."

Until these things happen, until they fall into a common action movement or condition, in other words, until they coordinate, the legislative will is unexercised, it is potential only.

In our opinion there are three of the conditions required which are illegal and not within the power of the legislature to impose. The first is that it cannot delegate its power to determine whether the establishment of a drainage district will be in the "interest of public health, convenience or welfare;" second, it cannot establish such a district merely because it will be for the "advantage of the owners of the real property therein" and third, if it is a legislative function to determine those questions it may not require a person belonging to the judicial department to exercise the power which appertains to the legislative department.

The power sought to be conferred is not a judicial power which may be exercised only by courts, because a court is a body in the government for the public administration of justice. Its purpose and sole function is to administer exact justice, as nearly as may be, to all parties before it, not to determine the wisdom of a public measure designed to promote the "public health, convenience or welfare." See Johnson v. Hunter, 50 W. Va. 52, 40 S. E. Rep. 443.

There are administrative agencies which exercise functions judicial in their nature. It is practically impossible to create an administrative agency which does not possess in some degree judicial functions; but the fact that some bodies possess to some extent judicial powers does not necessarily make such a body a court within the meaning of the Constitution. Crawford Co. v. Hathaway, 61 Neb. 317, 85 N. W. Rep. 303.

In the case of Pinellas Park Drainage Dist. v. Kessler, supra, the act in question was held valid only against the attack which was made upon it that the Legislature was not authorized to empower the Board of Supervisors of the district to impose or make levies of taxes upon the lands in the district.

The court did not sustain that contention. It merely held that there was no provision of the constitution, requiring special assessments for local benefits by drainage operations to be levied by the county commissioners and that it is within the legislative power to authorize such special assessments to be made by the Board of Supervisors of an incorporated drainage district as is done by Chapter 6458 Acts of 1913.

The question of the power of the legislature to organize the District in the maner provided by the statute was not presented or considered.

Now, the statute under which the drainage district was organized vests in the court in which the petition is filed a power which in one case the legislature may not exercise and in the other a power which it is a legislative function to exercise.

The judge may find that the petition is properly signed yet he may refuse to enter the order because he may be of the opinion that the establishment of the district and the improvements to be made will not be in the interest of public health, convenience or welfare; or he may find that the petition is properly signed and the establishment of the district will be in the interest of public health, convenience or welfare but not for the advantage of the owners of the real property therein and refuse to enter the order for that reason. Or he may disregard the objections which may have been filed to the establishment of the district which denied the proper signing of the petition and enter the order establishing the district if he should be of the opinion that the district would be for the advantage of the owners or in the interest of public health, convenience or welfare as was done in the instant case upon the theory perhaps that the objections had been withdrawn, although the objections filed challenged the alleged existence of the fundamental conditions which the law requires shall be made to appear before the legislative will operates upon them to the end that a district shall be formed.

The levying of a tax or assessment for local benefits is the exercise of a sovereign power excusively within legislative authority when it may in a proper case delegate to an agency to execute.

It is universally recognized that upon the division of the government into three departments the power of taxation is legislative and falls to that branch of the government without special assignment. See Meriwether v. Garrett, 102 U. S. 472, 26 L. Ed. 197; Spencer v. Merchant, 125 U. S. 345, 31 L. Ed. 763, 8 Sup. Ct. Rep. 921; State Board of Tax. Com'rs v. Holliday, 150 Ind. 216, 49 N. E. Rep. 14, 42 L. R. A. 826.

The purpose for which a tax is levied must be a public one and if it is not for a public purpose it is obviously not for the purpose for which the State is formed and is subject to judicial review. See Lucas County Auditor v. State ex rel. Boyles, 75 Ohio. St. 114, 78 N. E. Rep. 955, 7 L. R. A. (N. S.) 1196; State ex rel. Douglas Co. v. Cornell, 53 Neb. 556, 74 N. W. Rep. 59, 68 A. S. R. 622, 39 L. R. A. 513; 1 Dillon Municipal Corp. 3Ed. Sec. 508; Cooley on Taxation 67; Sharpless v. Mayor of Philadelphia, 21 Pa. St. 147, 59 Am. Dec. 759.

The question what constitutes a public purpose is the difficult problem when the purpose for which the tax is levied lies within a zone the boundaries of which are not clear. The courts may be justified in interposing only when a violation of the principle is clear and the reason for interference cogent. Citizens' Savings & L. Ass'n v. Topeka, 20 Wall. 655, 22 L. Ed. 455; Alfalfa Irrigation Dist. v. Collins, 46 Neb. 411, 64 N. W. Rep. 1086.

Under the provisions of the act which constitutes the authority for the establishment of drainage districts a public agency may be formed in which the power to levy and collect taxes is vested, but such agency may under the provisions of the act exist if in the opinion of the court the district and the improvements to be made will be for the "advantage of the owners of the real propery therein" as contradistinguished from the character of the enterprise as one "in the interest of the public health, convenience and welfare."

The act it would seem thus contains its own seeds of dissolution. Advantage to the owners of the land may exist irrespective of whether the enterprise is for the public health or welfare. If it is in fact for the latter purpose the owners share that advantage in common with the public, so it is evident that there was in the legislative mind a personal or private advantage distinguished from the public health and welfare.

In this view of the case and without discussing the other questions presented we are of the opinion that the injunctional order was corect and it is hereby affirmed.

Buford, J., concurs.

Terrell, C. J., and Whitfield, J., concur in the affirmance.

Strum and Brown, JJ., dissent.

Terrell, C. J., and Whitfield, J., concur in affirming the order appealed from temporarily restraining the collection of the annual drainage taxes levied upon lands in the Interbay Drainage District, because of the showing of illegality in the proceedings had, Brown, J., dissenting.

It appears to me that the bill in this case was in its essence a collateral attack by individuals upon the legal existence of the public corporation—the drainage district—which method of attack is not permissable. Quo warranto by the State is the remedy to test such a question. State v. City of Sarasota, 109 So. 473; West v. Town of Lake Placid, 120 So. 361.

Strum concurs.

Opinion filed May 29, 1929.

An appeal from the Circuit Court for Hillsborough County. F. M. Robles, Judge.

E. E. Graves, A. G. Turner, H. S. Phillips and O. K. Reaves, for Appellant; Henry E. Williams and George C. Bodell, for Appellees.

NEWS FROM AROUND THE BIG LAKE

SOUTH BAY

Mrs. C. W. Grogan of West Palm Beach and niece Miss Louise Eaton of Wardenville, Va., spent Sunday visiting in South Bay.

James B. Jeffries spent a day here last week confering with the resident engineer, James Mather, concerning matters of importance to this drainage district.

The work of moving the H. C. Willits & Son store building is progressing nicely and the building will probably be in position in the new location within the next few days.

The live stock inspector of Clewiston passed through here recently looking for traces of stolen milk cows supposed to have been driven through this country.

It is rumored that J. M. Kelly of Belle Glade has bought out the Gus Roberts interest in the Square Deal store in South Bay.

J. D. Brookes, former foreman of the Southern Sugar Co. has resigned his position and departed for his home near Miami Shores.

Mrs. J. M. Templeton has received word from Mrs. L. L. Hartline, who is spending her vacation in Alabama, that they are having a wonderful time and that her family is planning on a family reunion to be held in the near future. Mrs. Hartline asked to be remembered to all of her friends and neighbors.

Johnnie Suggs, last year's pitcher on the South Bay baseball team, writes that he is now in western Kansas near Wichita in the region recently flooded. He had a job on the Sante Fe railroad but is farming with some friends, raising seed beans and potatoes to be shipped to the Everglades in time for the early winter crop. He has fine prospects for a bumper crop and expects the venture to be highly successful in every way.

Mr. Jacobson, superintendent at the South Bay and Miami Locks projects, expects to leave for a short time and the boys here are planning on giving him a farewell party at the South Bay barracks before he leaves.

Mrs. Perry Register has been quite ill the past week or ten days with high fever.

Joe DeLamar, superintendent of the Huffman Construction Co., has turned over his work here to "Scotty," who will act as superintendent with H. E. Adams as assistant superintendent. Mr. DeLamar is leaving for East Hardin, Ill., where he will take charge of a Huffman job aggregating $3,800,000.

J. M. Taylor is expecting his wife and family down from Lakeland to visit him next week.

Gertrude Van Horn writes that she and Ivan are now located in Peoria, Ill., and that Ivan has charge of the speed boat for the Huffman Construction Co.

Mrs. L. L. Hardy who is visiting friends in Pensacola, writes that she is having a wonderful time and that she expects to be home sometime next week.

The Square Deal store under management of Mrs. George Alberts, is now putting in the fill between the state road and the store.

Engineer M. V. Moon and party are now making the final survey of the highway between Belle Glade and the Hendry county line.

O. D. Taylor of Canal Point was a South Bay visitor last week, coming over on business.

Doyle Crocker, who has been quite ill at Round Mountain, Ala., for some time, is now somewhat improved. Mrs. Crocker and Mary Elizabeth are well and enjoying their visit.

Mrs. C. W. Grogan has leased a lot on the federal road to a West Palm Beach oil company which expects to put in a modern service station and handle a full line of auto accessories.

Our local deputy sheriff, R. G. Fisher, and brother Everett made another raid Sunday and destroyed the largest still ever discovered here in the history of the Everglades. The still was of 600 gallon capacity and rested on a concrete base and was equipped with water pressure tank and gas engine. They found and destroyed mash estimated to be over 3,000 gallons in amount and captured a negro who was just preparing to run off a lot. The still was completely destroyed and the negro lodged in the county jail.

REPAIRING BUILDING

The building in Moore Haven in which the office of the Glades County Democrat is located is being raised and the foundation reinforced.

BELLE GLADE

(By Miss Alice Reed)

July 31, 1929.

This community was saddened last Sunday by the not unexpected information that W. H. Badger had early that morning passed away in a hospital in Miami. He had successfully undergone an operation on the previous Monday, but soon afterwards his heart began to fail. He showed wonderful vitality, and every effort was made to revive him. Funeral services held at Miami Monday afternoon were largely attended by friends from Belle Glade, Miami and West Palm Beach. Elaborate and beautiful floral offerings attested the love and esteem of his friends and neighbors. He is survived by his wife and two sons, Roy of Winthrop, Wash., and Warren C. of Shawano. Mr. Badger, had he lived until today, would have been 72 years old. He was our oldest resident, having located here when only the wild cat and the alligator held sway where Belle Glade now stands, and was our first and only postmaster, and was our first merchant, having been placed in charge of the little cooperative store started by a few of our pioneers. This store now owned by Brogden & Brogden, still bears the name of "The Badger Store." Mr. Badger was quiet and unassuming and never grew rabid and excited, but his advice and cooperation was sought in every important movement and he was a pillar for good in the community. How many he helped through a tight pinch the world will never know. Years ago we heard a man exactly express him as "just good." Though we shall miss him in person, his influence will remain with us yet many years.

Mrs. W. C. Badger, who was visiting at her old home in Berlin, N. H., was called home by the illness of Mr. Badger's father, arriving Thursday. She was accompanied by her aunt, Mrs. Chas. Sanborn, who will return to her home in a few days.

Mrs. Everett Haney, remembered here by the older residents as Miss Hilda Clark, was a local visitor here last week.

Several ladies from Canal Point and Pahokee assisted one day last week in cataloging the books for the Everglades Childrens' library. The work is nearing completion.

Belle Glade will soon have an ice cream factory under the management of Carl Busch. Most of the cream will be provided by the Eggleston dairy. The delay is caused by slowness of arrival of some mahcinery.

A Republican meeting was held Thursday evening to select a committeeman and committeewoman to the county meeting in West Palm Beach last Saturday. Walter Greer and Miss Reed were selected. J. H. Browne acted as a proxy at the county meeting for Mr. Greer who was unable to attend.

Dean Ferguson, who is at the hospital in West Palm Beach, is better and it is thought has a fighting chance of recovery.

Mr. and Mrs. Wm. Thompson are out from West Palm Beach for a week. Mr. Thompson has had a long struggle with a complication of diseases brought on by the breaking of a rib and internal injuries, while assisting with the work following the hurricane.

H. A. Buxton of Miami is a business visitor here for a few days.

The ball team won last Thursday from Canal Point with a score of 3 to 2, but lost a double header to Clewiston on Sunday, each game being 4 to 3.

OKEELANTA

July 29, 1929.

The recent farmers' meeting held at Canal Point was attended on the second day by the following Okeelanta pioneers: Ed Cooper, Peter Knutson, Ed Covell, Frank Tully and V. W. Roth. On the return of the party, passing through South Bay, the remark was overhead, "There goes the Okeelanta Special," which shows the irreverant attitude of modern youth toward age and hoary heads.

Miss Joyce Ely, staff nurse of the State Board of Health at Jacksonville, was a caller on official business at the local registrar's Thursday.

During the last ten days a number of visitors to this vicinity busied themselves with gathering soil samples. We surely appreciate this interest in the south shore of the lake—the cream of the Everglades—for we know that the analysis of the soil will bear out our claim for its superiority.

Even now we are penalized with a stretch of road (long paid for) a disgrace to the county and abomination to the traveler.

Messrs. C. C. Schrontz, Lloyd, Prof. Allison and several others, representing the experiment station, passed here Friday morning by boat down the North New River canal, returning in the evening. Their mission, so we were informed, had to do with soil examination.

W. V. Herin and friend spent a few hours here, seeking a more intimate acquaintance with the muck soil around the Lauderdale canal and westward. The pioneer settlers here not only welcome this investigation but will also so gladly give any information of their 10 or 13 years experience in the jungles.

J. A. Mather, resident engineer, was looking up condition of ditches and other preliminaries connected with pumping districts, the end of the week.

OKEECHOBEE

From The News.

Mrs. L. W. Jennings was operated upon for appendicitis Monday at the Fort Pierce hospital. She is reported getting along very nicely.

Jeff McNeill spent Sunday with Mr. and Mrs. D. R. McNeill, coming over from Palm Beach where he is employed in the Central Farmers' Trust Company.

Howard W. Selby, of the Central Farmres' Trust Co., of West Palm Beach and Forrest H. Johnson were callers at The News office Monday afternoon.

Hon. L. W. Jennings expects to leave for Texas as soon as his wife recovers sufficiently from her operation. He will look that state over with a view to locating there.

Mrs. Josh Platte, Mrs. S. R. Raifsnider, Mr. and Mrs. C. E. Simmons and children, left Thursday for a few days' camping trip at Breezy Point, near Lake Placid.

Mrs. Wm. Collins, Mrs. Buster Dukes and children and Miss Theressa Depree have returned from a pleasant visit with relatives and friends in Fort Myers and LaBelle. Mr. Dukes motored over to bring them home.

Misses Ida Mae and Alma Chandler were visiting their sisters, Mrs. Bagrams and Thelma Chandler of West Palm Beach last week. The latter has a position there where she expects to be for some time.

PAPAYA, AVOCADO

An acreage of 300, with a total of 150,000 trees, is the estimate of papayas in Dade county. The avocado plantings are estimated as 1,500 acres.

SPECIAL NOTICE AS TO SERVICES IN SOUTH BAY SUNDAY, AUGUST 4TH

Through a regretable misunderstanding as to opening the new Baptist church, the meeting was not held as per announcement on July 28.

Nothing preventing, we expect to have worship in the South Bay Baptist church Sunday a. m. 11 o'clock, Aug. 4.

A cordial invitation extended to all who are interested, to come and worship with us.

Cordially yours,
Pastor W. C. TAYLOR.

LITTLE FERTILIZER IS USED ON SUGAR CANE

Nearly one-third of the fertilizer used in the United States is used on cotton and 22.5 per cent is used on corn. Less than 12 per cent of all the fertilizer used in the country is used on vegetables and less than one per cent is used on sugar cane. These figures are the estimates of the National Fertilizer Association.

WATER PLANTS HINDER CANAL SURVEY TRIP

FORT LAUDERDALE, July 30.—G. M. Hopkins, William Ketchin and Thomas E. Wills were forced to abandon their projected boat trip of inspection up the North New River canal to Lake Okeechobee today when heavy growth of water plants impeded their progress after they had penetrated about 30 miles up the canal. Their boat was carried up the canal bank on a truck to the end of the road and then launched. The party had planned to make a survey of the entire length of the canal.

Rock Digger Cotozal To Port Everglades

The Arundel Corporation's rock dredge Corozal, which left the Port Everglades job at Fort Lauderdale two months ago to go to Fort Pierce, will return to Port Everglades about August 5. The dredge has 40 working days ahead of it at Port Everglades and about 75 per cent of the work is inside the harbor. S. W. Strickland, division superintendent for the Arundel Corporation, and three men of his crew have arrived at Fort Lauderdale to do the blasting ahead of the Corozal.

PUMPING BENEFITS

"Much interest is manifested in the pump plant at Bare Beach," says the Glades County Democrat, which reprints from The Everglades News the report of the operation of that pump in a unit of South Florida conservancy district. The Democrat says the pump has aided the work of Seminole Farms.

PEOPLE WE KNOW

Here is a post card from Dr. L. W. Armstrong of Pahokee, who left there two weeks ago for a vacation trip. The card is postmarked Shelbyville, Ky., and says: "Please send The Everglades News to Fredericksburg, Ind., just one copy to that place and then to Los Animas, Colo. We can't be without your good paper."

C. B. Lozier, who has bought vegetables in the Glades for at least 15 years, was in Philadelphia July 24 for it was from the Hotel Vendig in that city that he wrote: "Please change the mailing address for your paper from Commerce, Ga., to Gerren Heights, Tenn. I do not like to miss any of the issues for I want to keep posted on affairs down there in my absence and I can do so through your valuable paper."

STATE LAND LET ON OIL LEASE

Thirty-three thousand acres of state land in Dade county was leased by the trustees of the Internal Improvement fund at Tallahassee to the Miami Florida Oil Company, a Miami organization which announced plans for exploring for oil and gas in both Dade and Monroe counties.

Officers of the company are Gaston Drake, president; M. L. Masteller, first vice president; Vernon Price-Williams, second vice president; William I. Phillips, secretary and treasurer; L. W. Crow, assistant secretary and treasurer, and J. F. Whitlock, geologist and superintendent.

The lease was made by the trustees to Mr. Williams on condition that the drainage tax would be paid and that the state would be given one-eighth of any royalties to be derived from the oil project.

According to a statement given by Mr. Drake, the company is making preparations to begin work soon at the Tamiami well, located on the Tamiami Trail at the dividing line of Dade and Monroe counties.

The machinery is being reconditioned and new equipment has been installed.

ABOUT PEOPLE

R. G. Hill, lately of Miami, is settled at Port Mayaca as bookkeeper for the Mayaca Company. His family is due to arrive this week and they will occupy one of the houses on the St. Lucie canal road near the original commissary site until a new dwelling is erected closer to the lake. Mr. Hill lived at Vero Beach before he went to Miami and his brother, now publisher of the Fort Pierce News-Tribune, was publisher of the Vero Press. As Port Mayaca residents have fraternal relations with the people of Canal Point, although the communities are ten miles apart, the Hill family is welcomed into the Lake Okeechobee region by the Canal Point people.